



TRINITY CITY PLANNING & ZONING BOARD MEETING

**Tuesday, March 28 2006
7:00 pm**

The Trinity Planning Board held their March 28, 2006 Regular Planning and Zoning Board Meeting at Trinity Memorial United Methodist Church, 7140 NC Highway 62, Trinity. A quorum was present.

PLANNING BOARD MEMBERS PRESENT: Chairman, Robbie Sikes; Planning Members, David Albertson, J. R. Ewings, Linda Gantt, Buddy Maness, Scott Norman, and Melvin Patterson.

PLANNING BOARD MEMBERS ABSENT: Vernel Gibson

OTHERS PRESENT: Mayor, Fran Andrews; City Manager, Ann Bailie, City Attorney, Bob Wilhoit; Planning/Zoning Administrator and Code Enforcement Officer, Adam Stumb; City Clerk/FO Debbie Hinson; Council Liaison, Karen Bridges; Council member Labonte; and other interested parties.

ITEM 1. Call to Order

Chairman Sikes called the March 28, 2006 Meeting to order at 7:00 p.m. and welcomed those in attendance.

ITEM 2. Pledge of Allegiance

Chairman Sikes led the Pledge of Allegiance.

ITEM 3 Invocation

Planning Board member Ewings gave the invocation.

ITEM 4. Oath of Office for David Albertson

After Chairman Sikes opened this item, Mayor Fran Andrews administered the Oath of Office to Mr. Albertson.

ITEM 5. Approval of Minutes (February 28, 2006) Regular Meeting

Chairman Sikes called for any changes or corrections to the February 28, 2006 Minutes.

Planning Member Maness made a motion to approve the minutes as written, seconded by Planning member Ewings and approved unanimously by all Planning members present.

ITEM 6. PUBLIC COMMENTS SECTION

There were no Public Comments.

ITEM 7. Special Use Permit #SPU06-01 – Fair Grove Fire Department a. Special Intensity Allocation

After Chairman Sikes opened this item Member Maness asked to be recused from this item since he was a Board member of this Fire Department. Chairman Sikes called for a vote. The vote by members was unanimous to recuse member Maness from this item.

The following persons spoke in favor of this SU Request:

Carlton T. Boyles: Mr. Boyles discussed his feelings on the professionalism show by the Fair Grove Fire Department as well as the Guil-Rand Fire Department in meeting requests from the City of Trinity. He also discussed his role in approaching property owners in the Lakewood Subdivision with a petition in support of the Fire Department.

The following persons spoke against the SU Request:

None

Chairman Sikes closed the Public Hearing and turned discussion over to Mr. Stumb to brief Planning Members.

Mr. Stumb discussed copies of the site plan placed at member's places as a part of this request. This property is located down Welborn Road from Shadydale. The Ordinance states that a buffer must be maintained around the property abutting residential property. This department has shown a line of trees along all sides of their property.

Staff Recommendation: Staff feels the site plan does meet the requirements of the Zoning Ordinance and recommends approval of this Special Use Permit based on that.

At this time Chairman Sikes turned this item over to the members for discussion and or action.

Motion to approve by Member Ewings, seconded by member Norman and approved unanimously by all members present.

Chairman Sikes stated this request complied with the Special Use 4 prong test used to determine Special Use Requests.

A. Special Intensity Allocation

Mr. Stumb advised members this applied to the same property to be used for the Fair Grove Fire Department. Any kind of development is limited to 24% built upon area in Trinity. The Fair Grove Fire Department with their new station has a requested allocation of 35% or 15,000 square feet. What they need is approximately 30 % but staff has added approximately 5% for site plan corrections.

Staff Recommendation: Staff recommends 35% or 15,000 square feet.

Motion by member Ewings to approve this Special Intensity Allocation, seconded by member Patterson, and approved unanimously by all members present.

ITEM 8. Special Use Permit #SPU06-02 – Guil-Rand Fire Department

After Chairman Sikes opened this item, Mr. Stumb advised members this was the same request for different fire department (Guil-Rand). The entrance and exit will be a circular drive located on Welborn Road. The plan also illustrates a 10,000 square foot future helicopter pad on the site. This request has the same requirements as the prior request from Fairgrove Fire Department concerning a buffer of trees when abutting residential property. The side facing the school site does not require buffering of trees. If the helicopter pad does become part of the request it may not be possible to have the trees on this site due to the complications of landing and take off.

There was discussion concerning why there were not trees on the back side or the front side of this plan. Mr. Stumb advised members that the Ordinance did not require trees along the street abutting the front of the property. The back side of this property backs up to the school and trees are not a part of the Ordinance requirement.

Chairman Sikes opened the Public Hearing for those wishing to speak for this request.

Speaking for this request:

None

Speaking Against this request:

Norbert Smoot, 6227 Welborn Road, Trinity; Mr. Smoot discussed his concerns about the location of the fire station and the disturbances that could be caused from its location. These concerns consisted of the lighting intruding into the existing neighborhood, the location of the fire station in proximity to the school and how the traffic problems that already exist at this site could affect response time of the fire department, the noise issue of sirens. Mr. Smoot asked if this permit was approved that all these items be considered as conditions for approval.

Kelly Grooms 5776 Old Mendenhall Road; Mr. Grooms advised members that he was neither for nor against this request but advised members that if one station is approved then they have to approve the other. He agreed that Mr. Smoot had valid points concerning the lighting and traffic and that these items should be considered.

With no other comments, Chairman Sikes closed the Public Hearing.

Staff Recommendation: Staff recommends approval of the Special Use Permit. If the board feels strongly about the lighting and noise you could make that a part of your motion to Council.

There was a brief discussion concerning the current Lighting Policy that existed in the City. Mr. Stumb advised members that the current policy only addressed Multi-Family development but the same policy could be considered for both fire departments.

After brief comment, ***Member Ewings made a motion to approve this Special User request based on the evidence presented and that the request meets the findings of fact, seconded by member Albertson, and approved unanimously***

A. Special Intensity Allocation

Mr. Stumb advised members Guil-Rand was requesting and increase from the 24% allowance to 58% or 50,000 Square Feet.

Staff Recommendation: Approval for 58% this includes a 5% increase that may be needed for adjustments to the site plan for the circle driveway or the location of the building on the site.

Motion by member Norman to approve the Special Intensity Allocation of 58%, seconded by member Ewings and approved unanimously by all members present.

ITEM 9. Text Amendments (Zoning and Watershed Ordinances)

Chairman Sikes opened this item and turned discussion over to Mr. Stumb. Mr. Stumb reviewed the changes that had been discussed by the Board at their Special Meeting on Thursday, March 23, 2006. These changes are to the RM Zoning District and the Watershed Ordinance and have a bearing on the entire City.

Based on the discussion the changes are as follows:

1. Change of density of the RM Zoning Districts: **Single Family Homes will be changed from 20,000 square feet to 12,000 square feet.** Based on discussion by the board the consensus **was to make this change which is identical R-12 Zoning and limit** development to 3 units per acre.
2. Limit the amount of Multi-Family Development associated with mixed development of Single Family and Multi-Family combined. **We are recommending limiting development of Multi-Family Development to 25% of the entire project.**

3. Change the Open Space requirement in RM to correspond to the R-12 Districts. This will change the Open Space in RM from **1/135 of an acre per unit to 1/60 th of an acre per unit.**
4. Change to **built upon areas allowed for development.** Currently any development is limited to 24% built upon area. With certain allocations this percentage can be exceeded up to 70%. The property that the City can allocate up to 70% is limited. The changes to the Watershed Ordinance will allow more property to be used at a higher built upon area up to 50%. Extra requirements come with the increased built upon area. The biggest change will be detention ponds for commercial or residential development to control the first 1 inch of rainfall throughout the developments. That is what the changes in the Watershed Ordinance will require.
5. The last change is to require sidewalks in new residential subdivisions. Based on previous information discussed these sidewalks will be required in the more densely developed Zoning Districts that include R-12 and now the RM Zoning Districts if adopted or approved. This will require sidewalks on both sides of the streets on all residential streets in R-12 and the RM Zoning Districts. The one exception to this rule is subdivisions of 25 lots or less would be excluded from this Ordinance.

At this time Chairman Sikes opened the Public Comment Section

Public Hearing Comments Against the Approval of These Amendments

Marsha Reddick 7125 Turnpike Road; Ms. Reddick discussed the previous RM Zoning Standards with Mr. Stumb. After discussion she stated that she was opposed to these changes because it would allow 3 units per acre and the impact this would have on development throughout the city and because this will have an impact to the Collett Farm Property.

Eric Reddick, 7125 Turnpike Road; Discussed his feelings on the 3.66 units per acre being allowed and the need to dramatically lower the number of units per acre to maintain the quality of life.

William Taylor ; Mr. Taylor discussed his feelings on how allowing this would reduce the investment in his home and was against the request for that reason.

Timothy Scott Riddick, Mr. Riddick agreed with the oppositions presented by Eric Riddick. He also discussed how the increase in density would allow more citizens that would require more services such as police, and fire. He discussed the need to have services such as this in place prior to allowing this type of growth in the city.

Annett Bowman : Ms. Bowman discussed her desire to see what was being planned and discussed her friends that live in the Bradford Downs Subdivision and the standards that these homes were built by. This is a comparison to the zoning that is being proposed.

Terry Riddick. 4104 Oak Haven Drive; Mr. Riddick discussed what he felt must be considered when increasing density for development. He discussed the water runoff and damage that could occur to the streams and waterways, the lack of a storm system to handle runoff.

Mr. Reddick, Turnpike; Mr. Riddick discussed how this property adjoined his property on the back side. He discussed his feelings against the changes that included mixed residential development, the lack of

property, the water runoff as discussed earlier, the affect of the development on property tax, and opposition to commercial development in this development.

Tony Lowery, Mr. Lowery asked if this issue and the rezoning were linked and if this request was disapproved if the other request would be disapproved.

Charles Riddick; Mr. Riddick voiced his concerns of potential runoff and discussed the fact that he grew up here don't want to see the character of our community change. He discussed his feelings concerning the proposed Residential and Commercial development and that he did feel this was not what the community should be doing and that the City should be taking a stand on what we need to do. He also voiced concerns about the how this would affect his tax values. He asked that the Board consider what the community was about..

Norbert Smoot; Mr. Smoot discussed his feelings concerning the changes in zoning and how they seemed to favor the developers. He asked the Board to consider denying the request for all the other reasons discussed earlier.

Speaking for the Request:

Gary Loflin; Mr. Loflin discussed the feelings voiced by property owners. He advised the Board that he wanted to proceed with the rezoning on this property to form a traditional neighborhood with residential mixed uses. He discussed the location of Single Family Homes (75%) and Townhomes (25%) and stated that the area discussed by Ms. Bowman would be buffered. He discussed his plans and advised members that it was his intention to have a place that included sidewalks and green space. The Zoning that I have requested would be more competitive with existing neighborhoods. Mr. Loflin discussed the commercial development discussed earlier and advised members his plans did not include a destination for shopping by the community but would allow shopping for the neighborhood and would not included a lot of parking area. The last thing discussed by Mr. Loflin was his effort to include surrounding property owners in this development. Some owners wanted to participate and others did not.

Chairman Sikes closed the public comment.

Prior to staff recommendation Mr. Stumb advised members there was no commercial allocation considered for this request. He advised members that the Planning Board would make a recommendation to the City Council and that Council would hear this same request at their April 18, 2006 meeting.

Staff Recommendation: To approve the request based on 12,000 square foot lots with a maximum of 3 units per acre.

At this time a motion was made by member Ewings to allow Member Maness to return to the meeting, seconded by member Norman and approved unanimously by all members present.

Board Discussion

There was discussion between Board members and Mr. Loflin, and members of the audience. Topics discussed were they type and cost of townhomes planned, where greenways were planned and the affect that they may have on surrounding neighborhoods, and the uses allowed in the Residential Mixed Uses.

There was further discussion between members and Attorney Wilhoit concerning how this change would affect the RM Zoning district throughout the entire city. Attorney Wilhoit advised members this was a text amendment that would affect the RM Zoning district throughout the entire city.

After further discussion concerning the changes recommended by staff as listed below, Member Maness made a motion to approve the changes based on staff recommendation, seconded by member Ewings and approved 5 to 2 with Member Patterson and Member Gantt voting Nay.

1. Change of density of the RM Zoning Districts: **Single Family Homes will be changed from 20,000 square feet to 12,000 square feet.** Based on discussion by the board the consensus **was to make this change which is identical R-12 Zoning and limit** development to 3 units per acre.
2. Limit the amount of Multi-Family Development associated with mixed development of Single Family and Multi-Family combined. **We are recommending limiting development of Multi-Family Development to 25% of the entire project.**
3. Change the Open Space requirement in RM to correspond to the R-12 Districts. This will change the Open Space in RM from **1/135 of an acre per unit to 1/60 th of an acre per unit.**
4. Change to **built upon areas allowed for development.** Currently any development is limited to 24% built upon area. With certain allocations this percentage can be exceeded up to 70%. The property that the City can allocate up to 70% is limited. The changes to the Watershed Ordinance will allow more property to be used at a higher built upon area up to 50%. Extra requirements come with the increased built upon area. The biggest change will be detention ponds for commercial or residential development to control the first 1 inch of rainfall throughout the developments. That is what the changes in the Watershed Ordinance will require.
5. The last change is to require sidewalks in new residential subdivisions. Based on previous information discussed these sidewalks will be required in the more densely developed Zoning Districts that include R-12 and now the RM Zoning Districts if adopted or approved. This will require sidewalks on both sides of the streets on all residential streets in R-12 and the RM Zoning Districts. The one exception to this rule is subdivisions of 25 lots or less would be excluded from this Ordinance.

ITEM 10. Rezoning Request #Z06-01CZ – Collett Farm Rd

Chairman Sikes called on Mr. Stumb to address this item.

Mr. Stumb advised members the current zoning for this property was RA and R-40. The proposed request is for Residential Mixed (RM) which is Single Family and Townhomes with Conditional Zoning. To limit this request to a planned unit development of Single Family Residential and Multi-Family with all Multi-Family being townhomes and condominiums. The Multi-Family will consist of 25% or less of the property. The property consists of approximately 150 acres. Mr. Stumb reviewed the surrounding properties to the proposed development as well as advising members there was a lake on the property and 2 streams. One runs from the lake to the north towards the Reddick Property and 1 runs east to the Colonial Heights project. This property is located in Lake Reese Watershed and fronts NC Highway 62 a major Thoroughfare. The closest traffic count available for this property is approximately 12, 000 vehicles per day and was taken at NC Highway 62 and Unity.

Chairman Sikes Opened the Public Comment Section:

Speaking For the Request:

Gary Loflin ; Mr. Loflin discussed the proposed Residential Mixed Use changes that were requested. We are requesting sidewalks and tree lined streets. Mr. Loflin also discussed the change in Open Space increasing the space in this development to more than is required in some of the other Zoning Districts in the City of Trinity. We do want greenways and want to be in harmony with the environment and will address environmental issues as required. If there are objections to the commercial development then we will not include this in this development. Mr. Loflin asked members to consider approval of this request.

Speaking Against the Request:

Marsha Reddick: Ms. Riddick discussed the location of her property to the proposed development. She discussed her opposition to allowing 3 units per acre and felt this was too high and should be lowered to 2 units per acre as a maximum. It was her feelings that ¼ acre per unit of Open Space should be required. She also discussed her opposition to doctors and dentist office in this area. Ms. Riddick also discussed the uses allowed in this zoning and the need for a large buffer for adjoining property owners.

Terry Reddick 4194 Oak Haven Road; Mr. Riddick discussed the zoning site description that was given as rolling and the fact that there was some rough elevation in short spaces. It was his feeling that to put 3 houses per acre, installing utilities and streets would require substantial grading and would result in a loss of top soil that would eventually go into the creek and further down in to the water supply. Mr. Riddick protested the soil erosion that would take place with this development.

Scott Reddick; Mr. Riddick stated that he was not totally against this but did not feel the city was prepared for this type of development at this time due to the increase of population this development would create as well as Watershed issues, and emergency service issues.

Traylor 6776 Colonial Club Drive- Discussed the fact this property was located next to his property and his concerns about property value as well as the topsoil issues. He asked that the board consider all of these issues.

Laney Reddick- Reiterate earlier comments concerning 3 houses per acre being too much, as well as concerns about the increase in property tax.

Charles Reddick – Mr. Riddick attested to the rolling hills and rockiness of the soil there. He discussed the extra run off that would become a problem for the creek on his property. It was his feelings that 2 houses per acre should be sufficient for development.

Annette Bowman; Ms. Bowman discussed the additional students that would be added to the school system as well as the speed limit in this area.

There was discussion between Mr. Stumb , Attorney Wilhoit, and members of the audience concerning a blueprint of the development. Mr. Stumb and Attorney Wilhoit advised those present that as long as the request was listed in the permitted uses of a Zoning District the developer was not required to submit a plat at this stage. The Planning Board is a recommending body only and the final decision will be made by City Council.

Extensive discussion took place between Mr. Stumb, Board members, members of the audience and Mr. Loflin concerning how to address some of the concerns voiced by residents at this meeting as well as Mr. Loflin's desire to create a development with smart growth that would require curb and gutter, storm drainage, and sidewalks. Mr. Loflin discussed the topography issues for this property and discussed the reasons it would not be feasible to develop this property with 2 homes per acre.

At this time member Ewings made a motion to table this item until Mr. Loflin and property owners could get together with staff and property owners to try to work out some of the buffer issues prior to sending this item to City Council. (There was no second to this motion)

After further discussion Mr. Ewings rescinded his earlier motion and made a motion that this request be approved and to send this request to City Council with conditions that staff review the buffering issue, seconded by member Maness and approved unanimously by all members present.

ITEM 11. Rezoning Request #Z06-02CZ – NC 62 & Unity St

After this item was opened by Chairman Sikes, Mr. Stumb reviewed the request discussing the current zoning of this property R-40 and the proposed change to Highway Commercial. The 3 proposed conditions for this request are as follows:

1. Maintain a buffer of 20' of existing vegetation around the western and northern portion of the property.
2. No driveway shall be permitted along Arden Road.
3. If agreeable to the adjoining property owner the parking lot shall be stubbed out to the line to allow for a future connection.

Speaking in Favor of the Request:

Walter Ashe, 4995 Meadowbrook Rd; I own the property under consideration. The adjoining property is zoned Highway Commercial. I have discussed with Mr. Loflin the possibility of connecting the 2 properties by means of a driveway. This would allow the entire corner to be utilized for potential growth such as restaurants. We need something like this in the City for our residents. That is what I am looking at for this piece of property and I would appreciate if I could get this passed and be able to join with Mr. Loflin's property. Hopefully this would allow something to be developed that everyone in the community could use.

Speaking Against the Request:

Mr. Murphy; I live in the house next to this property which is residential. The entire street and area is residential. I do not see the point in a restaurant in this area.

With no others speaking, Chairman Sikes closed the Public Comment section.

Staff Recommendation: To approve the request with the 3 conditions listed. This area does abut a residential area and staff feels this is a dividing point and commercial development should stop here in this area.

Board Discussion

Members discussed the location of the driveway to this development in conjunction with the hill located in this area. Mr. Stumb advised members that DOT would determine the location of driveway or driveways for ingress and egress. There was discussion between members and Mr. Ashe concerning the location of the driveway between the two properties. Mr. Ashe advised members the purpose for this was to allow people enter the establishments located on these properties without entering from NC Highway 62. The driveway would be a common driveway for all properties.

Motion by member Gantt to accept the request to include staff recommendations of the 3 conditions listed below, seconded by member Patterson and approved unanimously by all members present.

1. **Maintain a buffer of 20' of existing vegetation around the western and northern portion of the property.**
2. **No driveway shall be permitted along Arden Road.**
3. **If agreeable to the adjoining property owner the parking lot shall be stubbed out to the line to allow for a future connection.**

ITEM 12. Rezoning Request #Z06-03 – Braxton Craven Rd

Chairman Sikes opened the item and turned discussion over to Mr. Stumb for discussion.

Mr. Stumb advised members this request was to rezone this property from R-40 to Highway Commercial. This property is at the bottom of a hill sloping in on either side creek at the east of the property. This

request is for Highway Commercial and will allow all permitted uses in the Highway Commercial Zoning District if permitted.

Board members discussed the location of this property in conjunction of the Trinity Grill and the soccer store located on the corner as well as ingress and egress that would be available of this property. Mr. Stumb advised members the only point of ingress and egress for this property would be Braxton Craven Road.

Speaking for the Request:

Walter Ashe, 4995 Meadowbrook Rd; Mr. Ashe advised members his reasons to rezone this property was for potential growth for later years. We hope to have sewer here where growth can take place with something that will be a plus for the City. There is Highway Commercial already located on the corner of NC 62 and Braxton Craven Road. He discussed the need for Highway Commercial Development in the City. Without it our tax base will increase to the point we won't be able to do anything. I appreciate your consideration for this request.

Board members discussed the size of the property (approximately 5 acres) and the existing septic system on the property. There was discussion concerning the developer's options since there was an existing septic system if use of this system was approved by the County. Mr. Patterson discussed with the owner the possibility of this system not being usable. The developer advised members there was a septic system at the location now and the rules were that if a tank existed you could use it. There was discussion between Member Patterson concerning what if anything the developer had in mind for development of this property. Mr. Ashe advised members that he at this time he had no idea what he would develop on this property.

Speaking Against the Request:

Lloyd Brown- Braxton Craven Road; Mr. Brown discussed the issues of this property being landlocked. He discussed the approximate time (over 40 years) since a structure had been located on this property and because of this he did not feel the septic system located on the property was usable. Without specifying conditions we don't need this. I do not disagree that the City does not need Highway Commercial in certain parts of the City but this particular part is not it. We have 3 schools located in this area. We know the traffic situation on Braxton Craven. This property is located at the bottom of the hill in an extreme blind spot. By definition of Highway Commercial Parking and Designs the entrances and exits to businesses must be established in a manor to minimize traffic congestion. This is inconsistent with the current and the intended future use that is currently in place and is the wrong thing to do at this time.

Marion Hazard; I oppose this request. My property is across the street from this property. Mr. Hazard based his opposition on the length of Braxton Craven Road (7/10) of the mile and this rezoning would make a great traffic impact on Braxton Craven. The school is within 600 feet and school traffic is backed up during peak time and the 35 mph speed limit is not obeyed. Mr. Hazard discussed the accidents that had

occurred in this area. It was Mr. Hazard's feelings that safety should not be compromised and growth should not be done at the cost of safety.

Chairman Sikes closed the Public Comment and called for staff recommendation.

Staff Recommendations: Mr. Stumb discussed 3 concerns that the staff had with this request (listed below)

- 1- traffic
- 2- 2- creeks and the way the property runs does limit what a portion of the property could be used for.
- 3- The earliest sewer should be available as a part of Phase 4 is 2010.

For these reasons staff recommends denial of this request at this time. We believe at a later time this area would be appropriate for Commercial development. Traffic can easily be addressed and should have been addressed earlier. We do not necessarily see Highway Commercial such as a gas station but do see something that would fit into the neighborhood.

Board Discussion

Board members discussed the traffic and current locations surrounding this property. Also discussed was the residential property located around this property along Braxton Craven Road and the fact that Highway Commercial Zoning allowed several uses some of which did not fit into this area because of the location of the residential neighborhoods and the schools.

After further discussion member Ewings made a motion to deny the request, seconded by member Norman. The motion to deny the request passed with a 4 to 3 vote. Voting Nay was Chairman Sikes, Members Gantt and Patterson.

ITEM 13. Comments from the Board

None

ITEM 14. Comments from Staff

Mr. Stumb reminded members of the Field Trip with the Land Use Development Committee scheduled for April 5, 2006. This will be an all day event.

ITEM 15. Adjourn

With no other business to discuss, Chairman Sikes called for a motion to adjourn the March 28, 2006 Regular Meeting of the City of Trinity Planning/Zoning Board.

Motion to adjourn the March 28, 2006 Regular Meeting of the City of Trinity Planning/Zoning Board at 9:52 pm by Planning member Ewings, seconded by Planning Member Maness, and approved unanimously by all Planning Members present.

These minutes were approved by the Planning/Zoning Board at their April 25, 2006 Regular Meeting as written upon motion by Member Maness, seconded by Member Ewings, and approved unanimously by all Planning Members present.

Debbie Hinson, City Clerk

Robbie Sikes, P/Z Chairman

Date

Date